

FACT SHEET

FOR

Southwest Marine of Samoa, Inc.
P.O. Box 1299
Pago Pago, American Samoa 96799

NPDES Permit No.: AS0020036

I. INTRODUCTION

Southwest Marine of Samoa, Inc. operates a ship repair and dry dock facility primarily for tuna fishing vessels. Wastewater discharged from the facility is comprised of storm water runoff. The facility is located at latitude 14E 16' 34" S, and longitude 170 E 41' 28" W. Storm water runoff ultimately enters Pago Pago Harbor. This facility was classified as a minor discharger. It has been reclassified as a discretionary major discharger due to the potential for toxic materials to enter the storm water.

The facility mailing address is:

Southwest Marine of Samoa, Inc.
P. O. Box 1299
Pago Pago, American Samoa 96799

The facility contact is:

Mr. Ben Solaita
General Manager

The existing National Pollutant Discharge Elimination System (NPDES) permit issued to Southwest Marine of Samoa on April 15, 1997, expired on April 14, 2002. Southwest Marine of Samoa has applied for renewal of its NPDES permit for discharge of storm water to Pago Pago Harbor (received August 30, 2002). Based on the application, and on information in the EPA Region IX files, a draft permit has been developed. Review of the draft permit will be made by Public Notice on _____.

II. PLANT DESCRIPTION

Southwest Marine of Samoa operates as a ship repair and marine railway facility primarily for tuna fishing vessels. The vessels range in size from 80 feet to 180 feet for foreign longliners and 200 feet to 250 feet for U.S. purse seiners. Other

miscellaneous vessels include small ferries, tug boats, landing crafts, small island freighters, and other non-military vessels.

Vessels are docked and undocked on marine railways with the assistance of tugs and positioned on the blocks by manually shifting the vessel with the use of line handlers. The railways (drydocks) consist of a set of railroad tracks, set on pilings, extending from the shore into the waters of Pago Pago Harbor. A wooden platform (docking cradle), which rides on railroad car wheels, is used to move ships from and to the water. Divers in the water assist in insuring that the vessel is properly positioned on the hauling blocks. There are two marine railways; one is an 800-ton dock and one is a 3000-ton dock.

The types of work performed on a ship, which has been removed from the water, can be a source of both air and water pollution. The two greatest potential sources of discharge are abrasive blasting and the coating of the ship's surfaces. Of significance, but usually of lesser importance, is the discharge of contaminated fluids from a vessel under repair. These potential discharges could consist of bilge water, ballast water, tank cleaning residuals, grey water or black water.

There are several potential pathways which exist that could allow the pollutants to reach a receiving media. Dust from abrasive blasting can be discharged directly to the air where it may settle on the water or land. The same pathway exists for overspray from marine coating operations. Abrasive blast material, if allowed to accumulate on the cradle or area around the drydock, can be washed in to the waters by rain fall or other waste water discharges. Fluid discharges from ships could flow directly from the drydock into the receiving waters.

SWM-Samoa uses "copper slag" exclusively for abrasive blasting purposes. This is the same material used by shipyards in California. It is derived from the smelting of copper ore and is an aluminum-silicate mineral with trace amounts various metals. In the virgin state it should never fail the TLCP test and would only very rarely fail the California TTLC test.

This material is purchased in the U.S. and shipped to Samoa via commercial cargo carrier. The total cost for purchase and shipping is approximately \$175/ton. SWM-Samoa purchases approximately 100 tons of abrasive blast annually.

During use, the material becomes contaminated with the coating or paint being removed. This contamination ranges in size from a fine dust to small chips. The marine coatings removed often contain metals. Metal components in marine coatings serve various purposes. One function is as an antifoulent, such as cuprous oxide. Another is as a pigment, such as titanium dioxide. Yet another purpose is to provide corrosion resistance, such as zinc chromate. These metals are usually in an inorganic form, however some organic metals are also found in marine coatings. Most notable of these is the antifoulent, tributyltin (TBT). SWM-Samoa does not currently apply TBT containing paints. In 1998 SWM-

Samoa completely cycled out any TBT containing paints and thus are not applying nor removing any paints containing this antifoulent.

Discharges of contaminated grit blast and oversprays of paint are more difficult to control on marine railways than other types of drydocks. These difficulties are inherent in the dock design, which is essentially an inclined ramp into the receiving waters. A drydock containment system must allow for maximum flexibility in the type and size of ship be accommodated in the dock. The containment system must be able to adequately withstand the typical climatic conditions and production process to which it is subjected.

Many U.S. shipyards have been struggling to develop a cost effective solution to this problem. No one solution has obtained general acceptance as of yet. Many shipyards have simply stopped marine railway operations altogether, as the cost of retro-fitting and/or operation of effective containment was prohibitive.

SWM-Samoa has attempted to reduce the emissions of abrasive blasting dust from the drydock by curtaining the ends and sides of the dock. This approach has proved somewhat less than satisfactory. When the predominately onshore winds blow over the structure, which has an open roof, it lifts out the dust and/or overspray and transports it distances ranging from several hundred yards to over a mile. The current curtain arrangement is also ineffective in winds over 15 knots. At these wind speeds the curtains must be withdrawn or would be destroyed. Once ruined they are expensive to replace. Replacements must be ordered in the U.S. and shipped to Samoa. This process takes two to three months.

To prevent the potential discharge of abrasive blast material through the floor of the dock cradle, SWM-Samoa has retrofitted the 3000 ton dock with plywood decking. In addition to preventing accidental discharge, this facilitates clean up of the dock prior to returning a vessel to the water.

In 1997, SWM investigated a new type of containment structure and material, manufactured by a British company named Monarflex. The material is currently used in the North Atlantic on oil rigs. It appears to meet the requirements for flexibility and weatherability. SWM found this containment structure and material to be no more effective than the shrouding already in use (visual inspection) and therefore have decided not to invest in this new material.

The previous permit prohibits release of any grit blast material into Pago Pago Harbor. This permit also includes this prohibition. As the inspection reports point out, the facility has not been in compliance with this requirement and must enhance the containment structures in order to prevent emissions. Where the main drydock table is located, rubber tubing is presently placed in the "cracks" of the curtains to aid in containing any blast materials.

The emissions are of even more concern since EPA has learned the results of

recent TCLP testing performed on the spent grit. Two of the three samples failed the regulatory TCLP level for lead of 5.0 mg/l. (The levels are 7.17 mg/l, 5.38 mg/l 3.58 mg/l). Because of this, the facility could possibly be classified a "large" hazardous waste generator (more than 1000 kg/mo or more) and be required to comply with all applicable federal hazardous waste management rules. (It is important to note that the levels and types of metals in the spent grit blast will vary depending on the type of paint used on the ship which has been grit-blasted.).

The higher levels of metals in the grit blast is partly caused by the much higher efficiency with which SWM-Samoa blasts its vessels. Their production rate usage of abrasive blast material per square foot of surface is approximately half that of U.S. shipyards. This has the positive result of reducing the amount of the waste generated by half. However it also results in a higher level of contamination of the waste abrasive blast that is generated. (One sample of spent grit blast also had a very high level of tributyltin: 264 mg/kg).

SWM-Samoa is supposed to completely contain all the blasting media through the use of curtains and flooring. SWM is then supposed to immediately gather all the spent grit material and store it in its original shipping containers, DOT approved two ton sacks. The sacks are then supposed to be stored under cover to prevent any contact with storm water until the sacks are removed for proper disposal or reuse. In practice, SWM Samoa has not always operated in this fashion. Below are excerpts of inspection reports from 1986 to 1997:

April 14, 1986

The sandblasting materials are removed from the cradle and are stored in the yard. Mr. Condem informed us that the materials would not affect the water. To guarantee this, Marine Railway will send a sand materials outside for testing.

January 12, 1987

It was noted during our inspection that slag from the sand blasting operation was ending up in the water. It also appeared that the excess slag on the floor of the slipway was not being removed before the dock is lowered. We have also received complaints about drifting paint and sand blasting debris from the adjacent residents.

October 23, 1987

Several recurring problems have been noted at this facility. This includes lack of control over sandblasting wastes from entering the harbor...Potential for receiving water contamination continues to exist in this area due to sandblasting and paint chips. The dry dock has openings in the surface that allow the escape of these materials to the water...the lack of curtains allows the wastes to be dispersed over a wide area including the harbor.

November 16, 1987

The sandblasting materials and paint stains continue to produce a threat to the water. The sand materials were seen on the floor of the dry dock and openings on the wooden deck and still have not been repaired.

February 22, 1988

Still no curtains installed to mitigate the blasting materials from entering water and atmosphere...sandblasting and other non-floatable materials continued to be a potential source for receiving water contamination. Blasting materials were seen on the wooden floor.

August 30, 1990

Staff from ASPA Satala Power Plant contacted my office regarding dispersion of fine grey dust/particulate matter over the Caterpillars. The exhaust manifold and turbocharger were reported to become cherry red as the air filter was clogged. Investigation revealed the source of the particulate matter to be your facility when particles from ship repair were blown off.

December 13, 1990

Sandblasting materials were noticed on both docks and the facility BMP appears does not effectively implemented and enforced.

July 30, 1991

Sandblast materials were noticed piled on the floor of the drydock, and some sandblast materials appeared to have escaped through openings in the dock. More sandblast materials are stockpiled on the ground of the area.

August, September, October, 1991 Inspection checklist

*Is spent sandblasting abrasive escaping from the shipways?;
Through holes or openings on the drydock, especially on the 800-ton drydock.*

December 2, 1991 Inspection Checklist

*Is spent sandblasting abrasive escaping from the shipways?:
"Yes; because of openings in both slipways to the receiving water."*

March 4, 1992 Inspection Checklist

*Is spent sandblasting abrasive escaping from the shipways? Yes,
through openings on the drydock.*

June 10, 1992 Inspection Checklist

Openings in the drydock are still present and continue to provide

entrance for wastes into the water.

October 14, 1992

Used sand for sandblasting are stored in sandbags. Also plywoods were noticed in place on the dry dock to minimize escape. Tremendous efforts taken by SWM to keep area clean.

May 25 ,1993

Adjacent to the 800-ton drydock and the fence are bags containing waste grits (approximately 50 or more). SWM has strived tremendously to upgrade its conditions...But yet there is still more to be dealt with.

May 27, 1994

Used blasting grit is not stored well...There were many bags of used grit stored on site...Some of them had been sitting long enough to sprout plants. The bags were not covered and several were split or tipped, allowing grit to spill out. There was evidence of grit washing into the ocean nearby...There was still an accumulation of grit on the dock floor. As well, there are gaps and cracks on the dock floor that will allow grit to enter the water. Grit was also present on hard surfaces throughout the site and there was little evidence of seeping in areas like the concrete dock.

Another problem SWM Samoa has had is finding viable disposal options. Previously SWM-Samoa disposed of some of the abrasive in the island's sanitary land fill. This option is no longer feasible as the land fill operators have rejected the material because of operational difficulties at the land fill. There are no permitted hazardous waste land fills on America Samoa.

May 5, 1995

There is grit mixed with dirt around both of the docks. ...blasting had taken place on Tuesday on Friday sweeping had not been completed and spent grit was on the dock...The deterioration or lack of paving is contributing to erosion and loss of grit around the site.

As the reports point out, the problems extend beyond poor housekeeping practices. SWM has been investigating appropriate methods of disposing or reusing the spent grit. SWM-Samoa had identified a reuse for the spent abrasive as a replacement for aggregate in concrete and, with the approval of ASEPA, transported around 300 tons to Pacific Industrial Engineering (PIE) yard in Tafuna in November of 1994. However, due to the size of the grit particles, PIE has reservations regarding its appropriateness for use in concrete. Thus, the contractor has yet to use it and is not accepting more at this time. Mr. Peter Peshut of ASEPA informed us on December 3, 2002, that the grit is being used in

the concrete to pave the SWM yard, which is presently approximately 60% paved.

SWM-Samoa conducted tests in the past to determine if screening the spent abrasive to remove paint chips and dust would lower the concentration of metal contaminants. SWM has abandoned this idea because of prohibitive costs.

Some areas SWM are investigating to address the problem include:

- 1) substitution of the abrasive with a material that can be reused more often. This would reduce the quantity of abrasive required to perform the same amount work and therefore the amount of waste generated;
- 2) ways to physically separate the contaminants from the spent abrasive and there by reduce or eliminate the possibility that the spent abrasive waste will be a hazardous waste; and,
- 3) additional ways to reuse the material on the island so that SWM-Samoa has a greater variety of disposal options than currently exists. Thanks to cooperation between ASEPA officials and SWM Samoa, efforts have been made to clean up the facility. For example, SWM has installed plywood flooring over the large drydock to prevent grit blast from escaping through the spaces between the flooring planks, as well as rubber tubing.

On September 21, 1994, EPA officials met with Mr. Dana Austin from Southwest Marine Corporate Division, San Diego. EPA received a commitment from Mr. Austin that SWM will work with all due diligence to correct the problems. A progress report of this effort was submitted by SWM on November 16, 1994. EPA has drafted permit requirements to ensure that this effort will continue. As of December, 2002, SWMCD in San Diego no longer owns SWM of Samoa.

One problem that has not, to our knowledge, been addressed is that the soil on- site is saturated with Total Petroleum Hydrocarbons (TPH). Storm water runoff from facility causes a visible sheen on the receiving water approximately 20 yards in radius from the facility. The source of the oil/fuel is probably from two sources: improper fuel storage and disposal practices by facility and runoff from Satala power plant across the street.

The facility has significant erosion problems because it is largely unpaved. However, because of the saturated soil, the solution to the erosion problem is not clear. By paving over the soil with concrete, future soil remediation becomes extremely difficult. This permit will

require, as part of the Storm Water Pollution Prevention Plan (see below) SWM to prepare a study of the problem and a proposed solution.

Discharge locations:

The previous permit contained one discharge point, Outfall 001. This permit contains three discharge points. Two discharge points are untreated stormwater runoff from the facility grounds. One of these points also consists of storm water originating across the street from the facility (See enclosed map):

170N 41' 28" W and 14N 16' 34" S (Outfalls 001 and 003)

The concrete dock, on the south side of the facility is not used for the repairing of ships. Fishing vessels awaiting entrance to the tuna canneries adjacent to the facility are docked at the concrete dock before entrance to the canneries. The concrete dock is curbed and sloped to collect all storm water. Storm water is then run through an oil/water separator before being discharged into Pago Pago Harbor. The permit application filled out by the facility identified this outfall as Outfall 001. The draft permit denotes this outfall as 002 to be consistent with the previous permit. This outfall is located at:

170N 41' 30" W and 14N 16' 35" S (Outfall 002)

III. BASIS OF PROPOSED DISCHARGE LIMITATIONS

The proposed discharge limitations are based on:

- A. Draft Development Document for Proposed Effluent Limitations and Guidelines and Standards for the Shipbuilding and Repair Point Source Category.
- B. American Samoa Water Quality Standards, Section 24.0201 through Section 24.0211.
- C. Inspection report of facility conducted by American Samoa Environmental Protection Agency (ASEPA) from 1986 to present.
- D. Federal Register Volume 56, No. 159, 8/16/91. NPDES General Permits and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity (Proposed Rule).
- E. Meetings between Doug Liden, USEPA, and Dana Austin, Environmental Coordinator of Southwest Marine, April 1992 and

September 1994.

F. 40 CFR Part 112, Oil Pollution Prevention.

G. EPA Office of Water Regulations and Standards Quality Criteria for Water 1986.

H. A site inspection by Doug Liden and Mike Lee, EPA, December 1991 and recent USEPA inspection reports.

I. Best Management Practices Guidance Document for the Shipbuilding and Repair Industry. Task #N1-89-3. NASSCO, San Diego, CA: January 1992.

J. Guides to Pollution Prevention -- The Marine Maintenance And Repair Industry. EPA/625/7-91/015, Washington, DC: October 1991.

K. Environmental Best Management Practices - BMP's: Portland Ship Repair Yard. May 1992.

L. NPDES #CAG032001, General Waste Discharge Requirements for: Discharges of Stormwater from Boat Repair Facilities.

M. Environmental Impact Report project proposal, CH2MHill, 1993.

N. Letter from Dana Austin, Southwest Marine, Corporate Headquarters to Doug Liden, USEPA dated November 16, 1994

O. Letter from ASEPA to Arnold Walker, SWM-Samoa, dated October 2, 1994.

P. Discussions with Peni Solaita, Carl Goldstein and Peter Peshut, November and December, 2002.

Q. Discussions with Todd Roberts, December, 2002.

IV. **PROTECTIVE USES OF THE RECEIVING WATER**

Pago Pago Harbor has been designated by the American Samoa Government to be developed into a transshipment center for the South Pacific. Recognizing its unique position as an embayment where water quality has been degraded from the natural condition, the Environmental Quality Commission (EQC) of the American Samoa Government has established the following protected uses for Pago Pago Harbor:

- 1) Recreational and subsistence fishing;

- 2) Boat launching ramps and designated mooring areas;
- 3) Subsistence food gathering;
- 4) Aesthetic enjoyment;
- 5) Whole and limited body-contact recreation;
- 6) Support and propagation of marine life;
- 7) Industrial water supply;
- 8) Mari-culture development;
- 9) Normal harbor activities, e.g., ship movements, docking, loading and unloading; and
- 10) Scientific investigations.

V. **PROPOSED EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

A. American Samoa Water Quality Standards

In accordance with 24.0206(c)(2)(B) of the American Samoa Water Quality Standards, prohibited uses of Pago Pago Harbor include but are not limited to:

- 1) dumping or discharge of solid waste;
- 2) dredging and filling activities; except as approved by the EQC in accordance with the Environmental Quality Act (Title 24, ASCA);
- 3) hazardous and radioactive waste discharges; and
- 4) discharge of oil sludge, oil refuse, fuel oil, or bilge water, or any other wastewater from any vessel or unpermitted shoreside facility (20.1714 ASCA).

Due to the lack of a dilution model for Pago Pago Harbor and the variability of associated storm water runoff flows, the water quality standards listed above will be administered at the point of discharge to the Harbor.

In addition, as contained in Section 24.0208 of the American Samoa Water Quality Standards, the following prohibitions are applicable to the Permittee's discharge:

- 1) They shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce objectionable color, odor, or taste, either of itself or in combinations, or in the biota.
- 2) They shall be substantially free from visible floating materials,

grease, oil, scum, foam, and other floating material attributable to sewage, industrial wastes, or other activities of man.

3) They shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce visible turbidity or settle to form objectionable deposits.

4) They shall be substantially free from substances and conditions or combinations thereof attributable to sewage, industrial wastes or other activities of man which may be toxic to humans, other animals, plants, and aquatic life or produce undesirable aquatic life.

The above standards and prohibitions were not included in the previous permit. Since these requirements are specifically for Pago Pago Harbor and general waters of American Samoa, and due to the nature of the activities conducted at the facility, they will be incorporated into this permit.

B. Pollutants of Concern

Information contained in the *Draft Development Document for Proposed Effluent Limitations and Guidelines and Standards for the Shipbuilding and Repair Point Source Category* indicate pollutants potentially released by shipyard activities include zinc, copper, lead, chromium, tin, suspended solids, settleable solids, and oil and grease. Arsenic and mercury were not considered because their use in anti-fouling paints has been discontinued due to toxicity (EPA suspended its use in marine paints manufactured in the U.S. on March 29, 1972). Since Southwest Marine of Samoa receives foreign vessels for repair, arsenic and mercury will be evaluated with the above mentioned pollutant parameters.

Based upon the facility's submitted application, the concentrations listed below were observed at Outfall 001, storm water runoff from the facility grounds.

<u>Parameter</u>	<u>Concentration (ug/l)</u>
Arsenic	<1.0
Zinc	462
Copper	280
Lead	100
Mercury	1.0
Chromium	30
Tin	270
Oil&Grease	19,000

TSS	2,000
Total	
Nitrogen	3,860
Total	
Phosphorus	139

The concentrations listed below were observed at Outfall 002, discharge from the oil water separator.

<u>Parameter</u>	<u>Concentration (ug/l)</u>
Oil&Grease	60,000
TSS	149,500
Total Phosphorus	270

A comparison between the observed metal concentrations at Outfall 001 and EPA Marine Water Quality Standards, contained in the *EPA 1986 Quality Criteria for Water* showed that all of the parameters (except arsenic) exceeded marine chronic criteria. Therefore, based upon the presence and magnitude of the constituents in each of the storm water discharges, the Permittee will monitor the parameters observed above at the respective outfalls quarterly and be required to meet permit limitations for certain metals, oil and grease and pH. Limitations for metals are based on federal marine acute criteria from *EPA Office of Water Regulations and Standards Quality Criteria for Water 1986*, except for TBT which is based on an EPA proposed criteria. Limitation for oil and grease is based on Best Professional Judgement (BPJ) for oil water separators and limitation for pH is based on American Samoa Water Quality Standards (Lower limit of 6.5 was changed to 6.0 because natural pH of rainwater is often lower than 6.5). Because of the high potential for fuel products to enter the discharge, limits and monitoring have also been included for benzene, ethylbenzene, and toluene. Limits are based on federal marine acute criteria from *EPA Office of Water Regulations and Standards Quality Criteria for Water 1986*.

All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches and at least 24 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first thirty minutes of the discharge.

Should any of the monitoring indicate that the discharge causes, has reasonable potential to cause, or contributes to excursions above a state water quality criteria, the permit may be reopened for the

imposition of additional water quality based effluent limitations and/or whole effluent toxicity limits in accordance with 24.0207(a)(8) of the American Samoa Water Quality Standards. Also, the permit may be modified, in accordance with the requirements set forth at 40 CFR '122.44 and 124.14, to include appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new state water quality standard applicable to effluent toxicity.

C. RECEIVING WATER AND SEDIMENT MONITORING

This permit does not require ambient water column or sediment monitoring at this time. Most shipyard permits do require sediment monitoring. However, in this case EPA has decided to wait until federal or local sediment criteria is adopted or until a harbor wide water quality study can be undertaken. At that time, this permit may be reopened for the imposition of ambient water and/or sediment monitoring requirements. High levels of metals (copper, arsenic, lead) have previously been found in sediment, fish tissue and the water column offshore of the railway as reported in:

Draft Report for Human Health Risk Assessment for Consumption of Fish and Shellfish Contaminated with Heavy Metals and Organochlorine Compounds in American Samoa, February 1994, and A Preliminary Toxicity Study of Water, Sediment and Fish Tissues from Inner Pago Pago Harbor in American Samoa, 1991.

D. POLLUTION PREVENTION PLAN

Based upon the Best Professional Judgement of the permit writer, the Permittee will be required to develop and implement a Storm Water Pollution Prevention Plan. This requirement is consistent with similar Best Management Practices (BMPs) required by industrial facilities. The development involves organizing a pollution prevention committee, identifying the sources of pollution, developing Best Management Practices (BMPs) both to control the sources and to treat the polluted storm water where practicable. The plan also requires employee training and weekly inspections. The BMPs are intended control and eliminate pathways from sources of pollution to the receiving media. Most can be immediately established with little or no engineering modifications to a facility. Consistent execution of the BMPs should result in a substantial reduction of pollutants entering Pago Pago Harbor. The Storm Water Pollution Prevention Plan submitted by the facility is an enforceable section of the NPDES permit.

VII. WRITTEN COMMENTS

Persons desiring to comment upon, or object to the proposed action or request a public hearing pursuant to 40 CFR ' 124.11, should submit their comments or request in writing within thirty (30) days from the date of the Public Notice, December 6, 2002, either in person or by mail to the address shown below:

U.S. Environmental Protection Agency, Region IX
Permits Issuance Section (W-5-1)
Attn.: Suesan Saucerman
75 Hawthorne Street
San Francisco, CA 94105
Telephone: (415) 972-3522

VIII. INFORMATION AND COPYING

The Administrative Record, which contains the draft NPDES permit, the fact sheet, comments received, and other relevant documents, is available for review and may be obtained by calling or writing to the above address.

All comments or objections received within thirty (30) days from the date of the Public Notice, will be retained and considered in the formulation of the final determination regarding the permit issuance.

IX. PUBLIC HEARING

When public interest warrants, the Regional Administrator shall hold a public hearing and such notice of hearing shall be issued by public notice at least thirty (30) days prior to the hearing date. A request for a public hearing must be in writing and must also state the nature of the issues proposed to be raised in the hearing.

X. ENDANGERED SPECIES ACT

EPA informally consulted with the U.S. National Marine Fishery Service and the US Fish and Wildlife Service as mandated by Section 7(a)(2) of the Endangered Species Act and Essential Fish Habitat. Under the informal consultation process, EPA requested:

- 1) a clarification of whether and what listed, proposed, and candidate species or designated or proposed critical habitats may be in the action area;

- 2) a determination of the effects the action may have on these species or critical habitats; and
- 3) a concurrence that formal consultation is not necessary because there is no effect on listed species in Pago Pago Harbour.

David Nichols (USNMFS), in a telephone conversation with Suesan Saucerman, USEPA, Region 9, (December 10, 2002) stated that the discharge to Pago Pago Harbor is not a critical habitat for endangered species and that compliance with the NPDES permit should not effect endangered species in Pago Pago Harbor. A letter dated December 10, 2002 from Margaret Akamine (NMFS) provided the details on the species listed and considered in the area and stated that there is no designated critical habitat in Pago Pago Harbour.

In a phone conversation (December 17, 2002) between Alan Everson, of the Essential Fisheries Habitat Division in NMFS, and Suesan Saucerman (USEPA), Everson imparted the information that there would be no effect on essential fish habitat because of the discharge in Pago Pago Harbour.

In a phone conversation (December 9, 2002) between US Fish and Wildlife Service Biologist, Holly Freifeld and Suesan Saucerman (USEPA) it was agreed upon that there would be no effect on species listed as endangered and threatened by USFWS that occur in Pago Pago Harbor. In a letter from USFWS dated December 13, 2002, details on listed and candidate species was provided by Paul Henson (Field Supervisor, USFWS). The letter also stated that there is no critical habitat designated for any listed species in American Samoa.

